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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

In re: :
: BANKRUPTCY CASE
OGLETREE, RICHARD :
OGLETREE, CYNTHIA : NO. 13-52510 JPS
:
Debtor(s) : CHAPTER 7

**NOTICE OF HEARING ON TRUSTEE'S MOTION TO COMPEL
TURNOVER OF ESTATE PROPERTY AND FOR OTHER RELIEF**

WALTER W. KELLEY, CHAPTER 7 TRUSTEE, HAS FILED PAPERS WITH THE COURT TO DISMISS THE CHAPTER 7 CASE OF THE ABOVE-REFERENCED DEBTOR.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO GRANT THE TRUSTEE'S MOTION TO DISMISS CASE, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEW OF THE MOTION, THEN YOU OR YOUR ATTORNEY MUST ATTEND THE HEARING SCHEDULED FOR **THURSDAY, APRIL 3, 2014, AT 9:30 A.M., AT THE THOMAS JEFFERSON FEDERAL BUILDING, COURTROOM A, 433 CHERRY STREET, MACON, GEORGIA.**

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

THE 27TH DAY OF FEBRUARY, 2014.

/s/ David S. Ballard
DAVID S. BALLARD
Attorney for the Chapter 7 Trustee
Georgia Bar No. 635107
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In re: :
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OGLETREE, CYNTHIA : **NO. 13-52510 JPS**
: **Debtor(s)** : **CHAPTER 7**

**TRUSTEE'S MOTION TO COMPEL
TURNOVER OF ESTATE PROPERTY AND FOR OTHER RELIEF**

Chapter 7 Trustee Walter W. Kelley files this motion to compel Debtor(s) RICHARD OGLETREE and CYNTHIA OGLETREE to turnover estate property and, in doing so, shows the Court as follows:

1.

Debtor(s) RICHARD OGLETREE and CYNTHIA OGLETREE filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code on September 21, 2013. Walter W. Kelley was subsequently appointed to serve as Chapter 7 Trustee.

2.

This Court has jurisdiction over this matter pursuant to Sections 105(a), 541 and 542 of the United States Bankruptcy Code and Federal Rule of Bankruptcy Procedure (FRBP) 9014.

3.

This matter is a core proceeding as that term is defined at 28 U.S.C. § 157(b)(2)(A)/(E)/(O).

4.

Venue is proper in this Court pursuant to 28 U.S.C. 1409.

5.

The Debtor owns a house and lot located at 788 Beverly Road, Fort Valley, Georgia ("the property" or the "real estate"). The Trustee, with this Court's approval, has employed Rowell Auctions, Inc. to sell this real estate at auction and has filed a motion seeking the Court's approval for this sale.

6.

Mark Manley of Rowell Auctions indicates it will be much easier to sell this real estate if the Debtors are no longer in possession.

7.

The Trustee asks the Court to compel the Debtor to immediately surrender the above-described real estate and any nonexempt estate property. The Trustee also requests the Court instruct the Debtor to not cancel the homeowner's insurance policy and to instruct the policy provider to list "Walter W. Kelley, Chapter 7 Trustee" as the sole loss payee.

WHEREFORE, THE TRUSTEE PRAYS FOR AN ORDER:

- a) Compelling the Debtor to immediately surrender the above-described property to the Chapter 7 Trustee or the Trustee's agent;
- b) Requiring the Debtor to turnover any and all keys, alarm codes, and similar items the Trustee or the Trustee's agent will need to access the aforementioned property;
- c) Commanding the Debtor to remove any obstacles or hindrances that may impede the Trustee or the Trustee's agent's access to the property;
- d) Instructing the Debtor to leave the property in a state of good repair;
- e) Commanding the Debtor to fully cooperate with the Trustee and the Trustee's auctioneer's efforts to sell the property;
- f) Preventing the Debtor from returning to the property for any reason without the Trustee's permission;
- g) Prohibiting the Debtor from canceling the homeowner's insurance policy covering the property;
- h) Requiring the Debtor to instruct the company providing her homeowner's insurance to list "Walter W. Kelley, Chapter 7 Trustee" as the sole loss payee;
- i) Compelling the Debtor to surrender any and all nonexempt estate property to the Trustee; and
- j) Granting any further relief the Court deems just and proper.

/s/ David S. Ballard
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CERTIFICATE OF SERVICE

I certify that I have furnished a true copy of the within and foregoing **Trustee's Motion to Compel and Turn Over Estate Property and for Other Relief and Notice** of same to the below named parties. Those not served by Court's electronic filing system were served by depositing the same in the United States Mail in properly addressed envelopes with sufficient First Class postage affixed to guarantee delivery on this 27th day of February, 2014.

RICHARD OGLETREE
CYNTHIA OGLETREE
1020 WILLVILLE ROAD
FORT VALLEY, GA 31030

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ATTORNEY FOR DEBTOR(S)
P.O. BOX 1773
MACON, GEORGIA 31202-1773

ELIZABETH A. HARDY
ASSISTANT U. S. TRUSTEE
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s/ David S. Ballard
DAVID S. BALLARD
Attorney for Chapter 7 Trustee